

MATTER OF DON DONALDSON'S KEY BAIL SERVICE

In Bond Cancellation Proceedings

A-17971351

*Decided by Acting Regional Commissioner September 30, 1969*

Where an alien released from Service custody under delivery bond conditioned upon his surrender on demand for deportation, departed the United States prior to the date demanded for surrender, his departure, in the absence of aggravated circumstances and at no expense to the Government, amounts to substantial compliance with the terms of the bond; hence, the outstanding delivery bond is cancelled.

ON BEHALF OF OBLIGOR:  
Charles Bagby, Esquire  
681 Market Street  
San Francisco, California 94105

ON BEHALF OF ALIEN:  
Julio L. Juarez, Esquire

This is an appeal from the District Director's notice of October 17, 1968 advising obligor that on July 8, 1968 the bond in the amount of \$2,000 posted by the obligor on April 14, 1968 was breached for failure upon demand made July 2, 1968 to surrender the alien for deportation on July 8, 1968.

The alien, a 36-year-old male native and citizen of Portugal, entered the United States as a visitor on about May 8, 1967. Service efforts to locate the alien were unsuccessful and on April 19, 1968 his then attorney surrendered him to the Service for a deportation hearing held on that date pursuant to an order to show cause and warrant for arrest of alien. The Special Inquiry Officer found him to be an alien unlawfully in the United States and ordered that in lieu of deportation he be granted voluntary departure without expense to the Government on or before May 19, 1968, or any authorized extension beyond such date, and in the alternative that if he failed to depart as required, the privilege of voluntary departure be withdrawn without further notice or proceedings and the alien be deported from the United States to Portugal. The alien's release under bond was authorized on date of his hearing and the date for his voluntary departure was extended on one occasion to June 19, 1968.